



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

Northern Virginia Regional Office  
13901 Crown Court  
Woodbridge, VA 22193-1453  
(703) 583-3800 fax (703) 583-3801  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

### STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO

**LOHMANN SPECIALTY COATINGS, LLC**  
**Registration No. 41025**

#### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1307.D, 10.1-1309 and 10.1-1316.C between the State Air Pollution Control Board (SAPCB) and Lohmann Specialty Coatings, LLC for the purpose of resolving certain violations of the Air Pollution Control Law and/or regulations as specified in Section C of this Order.

#### **SECTION B: Definitions**

Unless the context indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Lohmann" means Lohmann Specialty Coating, LLC.

7. "Facility" means the Lohmann Specialty Coating plant at the Litchfield Drive location in Orange County, Virginia.
8. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.
9. "FSO" means the Fredericksburg Satellite Office of the Northern Virginia Regional Office of DEQ, located in Fredericksburg, Virginia.
10. "Permit" means Stationary Source Permit to Construct and Operate, Registration Number 41025 which became effective February 11, 2005.

**SECTION C: Findings of Fact and Conclusions of Law**

1. Lohmann Specialty Coatings, LLC owns and operates a facility of the same name located at 14281 Litchfield Drive, Orange Virginia 22960 (Orange County).
2. Condition 17 of the Permit requires the Facility to complete a stack test no later than 180 days after oxidizer startup and to submit a test protocol at least 30 days prior to the testing. Lohmann's startup date was July 5, 2005 requiring Lohmann to submit the testing protocol by December 2, 2005 and complete the stack test by January 1, 2006. Lohmann did not submit the testing protocol or complete the stack testing within this timeframe.
3. DEQ issued Lohmann a Notice of Violation (NOV) on March 24, 2006 for not providing the stack test protocol and not performing the stack test within the time period required by Condition 17 and 18(a) of the Permit.
4. A meeting was held with DEQ and Lohmann on April 26, 2006 to discuss the violations set forth in the March NOV. As an outcome of the meeting, Lohmann was given until May 5, 2006 to submit the testing protocol. Lohmann complied with this request and submitted a protocol on this date setting the test date of May 29, 2006.
5. DEQ reviewed the submitted test protocol and provided Lohmann with a list of deficiencies on May 11, 2006. DEQ did not receive a response until May 30, 2006, at which time Lohmann informed DEQ that the test had been postponed, however, Lohmann did not provide a response regarding the deficiencies in the test protocol.
6. Lohmann submitted a second test protocol on June 19, 2006, which DEQ again reviewed and provided Lohmann with a listing of deficiencies. Lohmann contacted DEQ on July 10, 2006 stating that new port locations are needed prior to updating the test protocol.

7. Lohmann did not submit an acceptable testing protocol until July 17, 2006 and the stack test was not completed until July 28, 2006. Stack test results were due on September 12, 2006 and not received by FSO until September 19, 2006. The stack test results were within permitted emission limits.
8. FSO staff were present during the stack test performed on July 28, 2006. During that time, they observed several open containers of isopropyl alcohol (IPA). DEQ notified Mr. Sering, Lohmann's plant operator, twice during this date of the open containers.
9. DEQ conducted a full compliance inspection of the Facility on August 8, 2006. As a result of the inspection, DEQ identified violations of the Permit. DEQ issued a NOV on August 30, 2006 notifying Lohmann of the following alleged violations.
  - *Permit Condition 5* - Failure to provide fuel records to indicate that the fuel used in the facility equipment meets ASTM specification D1835.
  - *Permit Condition 8(b)* - Causing fugitive volatile organic compound (VOC) emissions by leaving VOC containing receptacles open. DEQ also observed this violation during the July 28<sup>th</sup> stack test.
  - *Permit Condition 10* - Failure to observe and maintain records of observations made of the regenerative thermal oxidizer (RTO).
  - *Permit Condition 15(e)* - Failure to record monthly the time, date, and duration that the RTO bypass has operated while the Herbert Olbrich GmbH adhesive rotogravure coater is operating.
  - *Permit Condition 15(c)* - Failure to record monthly or annual VOC emissions.
  - *Permit Condition 15(i)* - Failure to maintain records of the RTO's exhaust flow rates.
  - *Permit Condition 15(k)* - Failure to conduct and maintain records of weekly visual inspections of the permanent total enclosure.
  - *Permit Condition 15(l)* - Failure to maintain records of the monthly throughput of propane.
  - *Permit Condition 20* - Failure to notify DEQ of any RTO3 bypasses.
10. DEQ provided a deadline of September 9, 2006 for Lohmann to respond to the NOV. DEQ has not received any response from Lohmann.

**SECTION D: Agreement and Order**

By virtue of the authority granted it in Va. Code §§10.1-1307.D, 10.1-1309 and 10.1-1316.C the Board orders Lohmann Specialty Coatings, LLC, and Lohmann Specialty Coatings, LLC agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Lohmann Specialty Coatings, LLC, and Lohmann Specialty Coatings, LLC voluntarily agrees, to pay a civil charge of thirty-six thousand dollars (\$36,000) within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Either on a transmittal letter or as a notation on the check, Lohmann shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Lohmann.

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Lohmann Specialty Coatings, LLC, for good cause shown by Lohmann Specialty Coatings, LLC, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein, including those matters addressed in the Notice of Violations issued to Lohmann Specialty Coatings, LLC on March 24, 2006 and August 30, 2006. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking action regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce this Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities, whether or not arising out of the same or similar facts, for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Lohmann Specialty Coatings, LLC admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Lohmann Specialty Coatings, LLC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Lohmann Specialty Coatings, LLC declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding

authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by Lohmann Specialty Coatings, LLC to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall act to waive or bar the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Lohmann Specialty Coatings, LLC shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or other such circumstance. Lohmann Specialty Coatings, LLC must show that such circumstances resulting in noncompliance were beyond its control and not due to a lack of good faith or diligence on its part. Lohmann Specialty Coatings, LLC shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
  - a. The reasons for the delay or noncompliance;
  - b. The projected duration of any such delay or noncompliance;
  - c. The measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. The timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Director of the Regional Office in writing within 24 hours of learning of any condition above, which Lohmann Specialty Coatings, LLC intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.


9. Any plans, reports, schedules or specifications attached hereto or submitted by Lohmann Specialty Coatings, LLC and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

10. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
11. This Order shall become effective upon execution by both the Director or his designee and Lohmann Specialty Coatings, LLC.
12. This Order shall continue in effect until:
  - a. Lohmann Specialty Coatings, LLC petitions the Director or his designee to terminate the order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Lohmann Specialty Coatings, LLC.

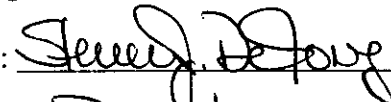
Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Lohmann Specialty Coatings, LLC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

13. By its signature below, Lohmann Specialty Coatings, LLC voluntarily agrees to the issuance of this Order.
14. The undersigned representative of Lohmann Specialty Coatings, LLC certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Lohmann Specialty Coatings, LLC to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Lohmann Specialty Coatings, LLC.

And it is so ORDERED this 49<sup>th</sup> day of May, 2007.

  
Jeffery Steers, NVRO Regional Director  
Department of Environmental Quality

Lohmann Specialty Coatings, LLC voluntarily agrees to the issuance of this Order.

By:   
Title: President  
Date: 5-04-07

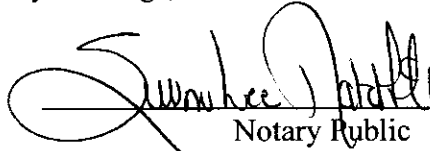
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Commonwealth of Virginia

City/County of Orange

The foregoing document was signed and acknowledged before me this 4 day of  
May, 2007, by Steven de Jong, who is  
Steven de Jong

President of Lohmann Specialty Coatings, on behalf of the Corporation.  
(title)

  
Notary Public

My commission expires: 10-31-2008.

## **APPENDIX A**

In addition to the foregoing, the Virginia State Air Pollution Control Board orders Lohmann to undertake, and Lohmann agrees to implement, the following terms and conditions of this appendix:

1. Install an audible alarm no later than March 31, 2007 that will be activated when the Regenerative Thermal Oxidizer bypass is operating while the Herbert Olbrich GmbH adhesive rotogravure coater is operating. In addition, Lohmann shall document the duration of each bypass, the reason for the bypass and corrective action(s) taken to ensure that future bypasses are kept at a minimum.
2. Create a procedure to document and provide weekly notification in writing to FSO of the duration of any RTO bypasses, including the reason for the bypass and details of the actions taken to correct the bypass. This procedure will be implemented no later than February 1, 2007 and notification to FSO will commence on February 11, 2007.
3. Prepare and submit to DEQ for approval no later than January 31, 2007 a format for recording monthly/annual VOC emissions, RTO's exhaust flow rates, weekly visual inspections of PTE, RTO observations, propane throughput, and fuel type. Upon DEQ's approval, this format should be used and be available upon request for inspection by DEQ.
4. Develop and implement a training plan by February 28, 2007 for all employees to ensure that VOC containing receptacles are properly maintained, handled, stored and sealed in accordance with Lohmann's operating permit and applicable state and federal regulations regarding the proper handling of VOC containing receptacles to include all containers containing Isopropyl Alcohol (IPA).
5. Create and post by January 31, 2007 signage above or near VOC containing receptacles, but in either case, the posting must be located in a conspicuous place, setting forth the policy of keeping receptacles closed at all times, except during times of loading and unloading.
6. All correspondence required by this Order, with the exception of the civil charge as listed in Section D, shall be submitted to the FSO mailing address:

**FSO Air Compliance Manager  
Attn: James LaFratta  
806 Westwood Office Park  
Fredericksburg, VA 22401**